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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,796	10/22/2001	Tatsuya Yanagisawa	05721.0020	8412

7590 05/10/2004

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Washington, DC 20005-3315

EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/982,796

Applicant(s)

YANAGISAWA ET AL.

Examiner

CamLinh Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2001.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Applicant is advised that should claims 3 – 4, 6 - 7 be found allowable, claims 3 – 4, 6 - 7 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Richard Stokes (U.S. 4,870,515).

♦ As per claim 1, 8, 10 – 11,

Richard Stokes (U.S. 4,870,515) discloses a music piece data managing apparatus comprising:

- “ A storage part for storing music piece data and management data associated therewith in a manner allowing additional writing” See Fig. 1, Fig. 16, col. 4, lines 49 – col. 5 lines 10. “ The storage part” corresponds to the tape that recorded the music pieces. “ Management data” corresponds to the artist or tile data that

stored together with the music pieces (see abstract). As seen in Fig. 1, the tape is allowed to write data into the tape for later reproducing. Therefore, this is "allowing for additional writing".

- " A display part for displaying the data management data stored in said storage part and display a message to prompt an input operation for instructing an order of reproduction of said music piece data" See Fig. 9 and 15, col. 10, lines 51 - 55. Stokes teaches that the system will prompt for selection of choices such as artist, titles (col. 9, lines 12 - 13), and Fig. 15 is a display of management data that waiting for user selections.
- " A reproducing order generating part for forming reproducing order data to determine an order of reproduction of music pieces based on said input operation" see col. 9, lines 17 - 20, col. 2, lines 3 - 38.
- " A data transfer part for transferring said reproducing order data by a data transfer media" see col. 2, lines 3 - 38.

♦ As per claim 2,

- " Said reproducing order generating part rearranges said management data in accordance with the reproducing order of the music pieces and allocates edition numbers representing the order of reproduction to said management data, thereby forming the reproducing order data" See col. 2, lines 33 - 38, col. 6, lines 19 - 27.

♦ As per claim 3 - 4

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- " Said management data includes a music piece name of the music piece data, data indicative of attributes of said music piece, and a memory address indicative of a storing position of said music piece data in said storage part" see col. 8, lines 15 – 23.

♦ As per claim 5, 9, 12,

- " Said reproducing order generating part generates said reproducing order data and adds additional writing data comprising the music piece data and the management data associated therewith which have been additionally written onto said storage part to said formed reproducing order data" See col. 2, lines 3 – 30.

♦ As per claim 6 - 7,

- " A portable data recording medium is used" See col. 5, lines 49 – 51.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Eyal et al (U.S. 6,721,741) discloses a streaming media search system.
- Kazuhisa Seita (U.S. 6,023,290) discloses a display apparatus audio video navigation system.
- Shinichi Ito (U.S. 6,175,071) discloses music player acquiring control information from auxiliary text data.
- Yoshio Aoyagi (U.S. 5,138,600) discloses an information reproduction apparatus having a display including dual operating modes.


- Watanabe et al (U.S. 5,109,365) discloses a record information reproducing method with content identifiers.
- Furukawa et al (U.S. 6,388,960) discloses a disk player having automatic control based upon audio disk or memory disk determination.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is 305-1951. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN

  
WAYNE AMSBURY  
PRIMARY PATENT EXAMINER